

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

|                                      |   |  |
|--------------------------------------|---|--|
| Dominique J. Walden<br>Plaintiff     | ] | Case#: 3:24-CV-317-DJN<br><br><b>JURY DEMANDED</b> |
|                                      | ] |  |
| v.                                   | ] |  |
|                                      | ] |  |
| Equifax Information Services, LLC    | ] |  |
| Experian Information Solutions, Inc. | ] |  |
| Trans Union, LLC                     | ] |  |
| LVNV Funding, LLC                    | ] |  |
| Navy Federal Credit Union            |   |  |
| Defendants                           |   |  |

**BRIEF IN SUPPORT OF MOTION TO DISMISS LVNV FUNDING, LLC**

COMES NOW the plaintiff, by counsel, and says as follows:

**PROCEDURAL BACKGROUD**

The complaint in this matter was filed May 6, 2024. LVNV was served on May 15, 2024. LVNV filed an answer on June 26, 2024 either denying knowledge or denying the facts or both. The matter proceeded through some discovery. The initial pretrial conference was held on August 8, 2024 and a status conference was scheduled for October 25, 2024. A settlement conference was scheduled for October 21, 2024.

**FACTUAL BACKGROUND**

The facts have proceeded that it is unlikely that plaintiff can recover damages against LVNV.

**LAW**

It is improper and abusive to proceed against a defendant knowing that it is unlikely to obtain judgment. Proceeding would potentially subject the plaintiff to sanctions under Rule

11 or 28 USC 1927 or 15 USC 1681n(c) or 15 USC 1681o(b) as going forward would be in bad faith and for the purposes of harassment.

It would be improper to award fees against the plaintiff at this point as there is no evidence that the action was brought in bad faith or for harassment. Plaintiff specifically avers that he had investigated the alleged debt and did not have any recognition of the debt because the original loan was not in the name of either defendant LVNV or the entity that LVNV claimed to have bought the debt from.

### **CONCLUSION**

It is therefore proper to dismiss the action against LVNV Funding, LLC, with prejudice.

**Dominique J. Walden**

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CERTIFICATE OF SERVICE

I hereby certify that on this 10 October 2024 I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

**Mark Kirkland, Esq.**  
**Counsel for TransUnion, LLC. (terminated party)**

**John W. Montgomery, Esq.**  
**Counsel for Equifax Information Services, LLC (terminated party)**

**David N. Anthony, Esq.**  
**H. Scott Kelly, Esq.**  
**Counsel for Experian Information Solutions, Inc.**

**David Gettings, Esq.**  
**Nicholas Jimenez, Esq.**  
**Counsel for Navy Federal Credit Union**

**Brittany G. Simmons, Esq.**  
**Joseph N. Tucker, Esq. (PHV)**  
**Counsel for LVNV Funding, LLC**

And to the following non-filing users:

NONE

/s/ Jason M. Krumbein, Esq.  
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